

In May 2018, counsel for the parties filed a motion seeking an extension of time in which to conduct mediation on the grounds that the Plaintiff had died. In light of the parties' filing, the Honorable Dennis L. Howell, United States Magistrate Judge, entered an Order directing the Defendants to file a Notice of Suggestion of Death with the Court. Judge Howell specifically advised that "[u]pon the filing of the Notice, 'a motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of the statement noting death, the action by or against the decedent must be

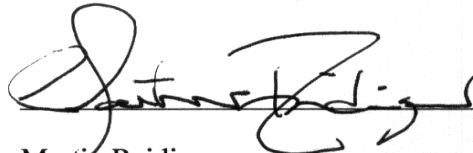
dismissed.” [Doc. 17 at 1-2] (quoting in part Fed. R. Civ. P. 25(a)(1)) (emphasis in original).

The Defendants filed a Notice of Suggestion of Death on May 16, 2018. [Doc. 18]. More than 90 days have passed since the filing of the Notice of Suggestion of Death, and no party has filed a motion for substitution of the Plaintiff. Accordingly, pursuant to Fed. R. Civ. P. 25(a)(1), this matter is dismissed.

IT IS, THEREFORE, ORDERED that this action is hereby **DISMISSED.**

IT IS SO ORDERED.

Signed: August 17, 2018


Martin Reidinger
United States District Judge

